



A regular meeting of the City of Delta Planning Commission was held on Monday, September 10, 2012 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Richard Simmons, Vice-Chairman; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Barry Singleton, Commissioner; Terry Osborne, Commissioner; Glen Black, Interim City Manager; Sharleen Walker, Interim Planner, Steve Glammeyer, Utilities Director.

ABSENT: Gary Burnett, Commissioner

GUESTS: Megan Hess, Clarence & Kristen Thomson, Gerald Roberts, Don & Carol Wickburg, Paul Beller, Scott Elkins, Allen Koch.

The meeting was called to order by Chairman Richard Simmons at 6:30 p.m.

LETTER OF RESIGNATION

A motion was made by Barry Singleton, seconded by Ginni Selby to accept the letter of resignation from Pat Dearmin, Chairman. All voted yes. Motion passed.

Vice-Chairman Richard Simmons will fill the office of Chairman until April 2014.

ELECTION OF VICE-CHAIRMAN

Chairman Simmons opened the floor up for nominations for Vice-Chairman. A motion was made by Carl Jahn, seconded by Barry Singleton to appoint Terry Osborne as the Planning Commission Vice-Chairman. All voted yes. Motion passed.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Carl Jahn, seconded by Ginni Selby to approve the minutes of the Planning Commission held on Monday, May 7, 2012 as written. All voted yes. Motion passed.

CITIZEN COMMENTS

There were no citizen comments.

VARIANCE 45 W 3RD STREET – OFF-STREET PARKING

The Planning Commission considered a request for a variance at 45 W 3rd Street regarding off-street parking requirements. Chairman Richard Simmons opened the public hearing. Ginni Selby abstained from discussion and voting as a Planning Commission member due to a conflict of interest.

Sharleen Walker, Interim Planner, reviewed the staff report with the Planning Commission. Ms. Walker stated that 45 W 3rd Street is located within the B-1 zone and that funeral homes are allowed in the B-1 zoning district, however off-street parking is required. Additionally, Ms. Walker stated that in lieu of providing off-street parking the Delta Municipal Code section 17.04.230.J states “payment may be made to the City in lieu of providing required off-street parking spaces in the amount of \$2,700 per space. Such amount shall be kept and utilized by the City to provide public parking in said district.”

Ms. Walker stated that staff is recommending denying the request as the code already has a built in variance, or relief procedure for off-street parking in the B-1 zoning district.

The Planning Commission asked staff if the fee is a one time fee, or annual fee. Staff stated that it was a one time fee, however if the building had a change of use the business would have to pay the fee again if off-street parking is required in the B-1 zone for that type of business.

Megan Hess, applicant and owner of Sunset Mesa Funeral Directors, informed the Planning Commission that the space at 45 W 3rd Street would be primarily used as an office. Additionally, Ms. Hess reviewed a log of the use of the public parking lot over a month’s time and Ms. Hess stated that there was an average of 8 cars in the parking lot at any one time. Ms. Hess stated that the Delta Funeral Home would not hold assembly functions during community events, such as the First Saturday Markets. Additionally, Ms. Hess stated that Montrose is the primary location of the business and that the Delta location would be to accommodate families that cannot travel. Ms. Hess stated that originally they thought that the assembly area would accommodate forty seats, however since they have opened in Delta they feel that twelve to eighteen seats would be sufficient, which would require two to three parking spaces according to the Delta Municipal Code requirements. Additionally, Ms. Hess stated that the location at 45 W 3rd Street is a temporary location to be used for twelve to twenty four months.

The Planning Commission requested clarification regarding the use of the building. Ms. Hess stated that there is an office in the back part of the building, with the assembly area to be located in the front area. The Planning Commission asked Ms. Hess what would happen if the request is denied. Ms. Hess stated they would not have assembly use if the variance is denied.

Clarence Thomson, business associate of the applicant, informed the Planning Commission that the Baptist Church had received a variance for off-street parking requirements.

Ginni Selby, resident, had concerns about two handicapped parking spots near the location and who would be using the handicapped spaces. Staff stated that handicapped spaces are to be used by handicapped persons, they would not be limited to specific businesses.



Allen Koch, father of the applicant, informed the Planning Commission that Mr. Mason intends to take down the building, directly behind 45 W 3rd to provide more private parking in the future.

Kristin Thomson, resident, stated that she has driven by many times, at different times of the day and her observation is that the public parking is not being over used.

Chairman Simmons closed public hearing.

The Planning Commission discussed the variance request. The Planning Commission stated that the new business is good for Delta and that the Planning Commission is not voting to deny the business in Delta and that the Municipal Code allows for a variance by payment of a fee. Additionally, the Planning Commission stated that the public parking has been provided by the City of Delta.

A motion was made by Barry Singleton, seconded by Terry Osborne to deny the variance request for required off-street parking at 45 W 3rd Street, as there is already adequate provision in the Delta Municipal Code to allow payment in lieu of off-street parking in the B-1 zone. All voted yes. Motion passed. Ginni Selby abstained from discussion and voting as a Planning Commission member due to a conflict of interest.

CHANGE IN NON-CONFORMING USE – 902 DODGE STREET AND VARIANCE SET-BACK REQUIREMENTS

The Planning Commission reviewed a request for a change in a non-conforming use at 902 Dodge Street regarding lot size and request for a variance regarding set-back requirements.

Chairman Simmons opened the Public Hearing.

Sharleen Walker, Interim Planner, reviewed the staff report with the Planning Commission. The request includes two parts, a request for a change in non-conforming use and a variance to the corner setback requirement. Ms. Walker stated that the lot is 30' x 150' which makes it 4500 sq ft and that the minimum lot size in the R-3 zone is 6000 sq ft. therefore in order to build on the lot the owner needs to have approval of a change in non-conforming use. Ms. Walker stated that if the Planning Commission approves the change in non-conforming use the staff has some conditions that they would like the Planning Commission to apply to the approval. The conditions are as follows:

- Proposed building aesthetics should be compatible with existing neighborhood character (architectural features, proposed height, etc).
- Staff requests that the applicant sign an Improvement Agreement to install curb, gutter and sidewalk along 9th Street and Dodge Street at a future date.
- Two onsite parking spaces shall be provided.
- Street access to the lot shall be from the alley instead of Dodge Street or 9th Street .
- Drainage will need to be adequate and not burden adjacent property.
- Fences shall be moved to the property lines.

Ms. Walker stated that staff is in support of the approval of the change in non-conforming use; however staff is not in support of approval of the corner setback variance because of utility power pole maintenance. Steve Glammeyer, Utilities Director, reviewed the staff's position regarding the corner setback requirement. Mr. Glammeyer stated that the power poles are three-phase power poles, typically power lines are placed in easements, however in the older part of town they are located in the setbacks. Additionally, Mr. Glammeyer stated that if the 5 foot setback variance was approved the cross arms would be within 8 foot of the structure.

Paul Beller and Scott Elkins, applicant's representatives, thanked the staff for the recommendation for the change in non-conforming use to allow a single family home to be built on the lot. Mr. Beller stated that the point of discussion is regarding the corner setback requirement. Additionally, Mr. Beller stated that the owner would like to build a feasible structure on the property that has marketability value and that they understand that setbacks are critical with respect to the power lines. Additionally, Mr. Beller stated that they are willing to work with staff regarding access to the property. Scott Elkins stated that they did have a survey scheduled for the property, but it could not be completed before the meeting because of scheduling issues.

Mr. Glammeyer and Mr. Black reviewed the rendering of the proposed house on the lot and stated that staff could support a 10' corner setback, depending upon where the property lines are located.

A motion was made by Carl Jahn, seconded by Ginni Selby to approve a variance to the corner setback requirement with a minimum of 12' from the center of the power pole or a 10' setback from the property lines, whichever is greater. All voted yes. Motion passed.

A motion was made by Ginni Selby, seconded by Carl Jahn to approve the change in non-conforming use for 902 Dodge Street to allow a single family home to be built upon the 4500 sq ft lot. All voted yes. Motion passed. Recommendations of staff that were presented in the staff report as condition of approval are as follows:

- Proposed building aesthetics should be compatible with existing neighborhood character (architectural features, proposed height, etc).
- Staff requests that the applicant sign an Improvement Agreement to install curb, gutter and sidewalk along 9th Street and Dodge Street at a future date.
- Two onsite parking spaces shall be provided.
- Street access to the lot shall be from the alley instead of Dodge Street or 9th Street.
- Drainage will need to be adequate and not burden adjacent property.
- Fences to be moved to the property lines.

DELTA MUNICIPAL CODE 15.04.090.A.3

The Planning Commission discussed Delta Municipal Code section 15.04.090.A.3 – screening of refuse containers. A motion was made by Barry Singleton, seconded by Carl Jahn to leave section 15.04.090.A.3 of the Delta Municipal Code as it is. All voted yes. Motion passed.



COMMISSIONER COMMENTS

Chairman Simmons reminded the Planning Commission about the Planning 101 training to be held in Orchard City on September 26, 2012 at 6:00 p.m. and requested that the commissioners RSVP to Sharleen by September 20, 2012 if they plan to attend.

STAFF COMMENTS

None.

ADJOURNMENT

A motion was made by Carl Jahn, seconded by Ginni Selby to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 8:08 p.m. with no further action taken.

Sharleen R. Walker, Interim Planner